

**REMARKS**

Claims 14 and 21 are amended herein.  
Claims 31-34 are cancelled.  
Claims 35 and 36 are new.

***Claim Rejections- 35 U.S.C. § 112***

The pending claims were rejected under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the independent claims 14 and 21 failed to define R<sup>4</sup>. Applicants apologize for this oversight, and the newly amended claims 14 and 21 define R<sup>4</sup> as defined in the specification and in the original claims. Thus, applicants believe that the statute is now satisfied.

***Objection***

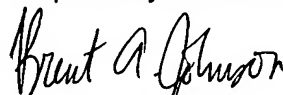
It is Applicants understanding Z in the amended claims was broader than the elected subject matter. The claims have been amended such that Z is "benzothiophenyl or substituted benzothiophenyl." Applicants believe that this is what the Office Action has required. However, if this is not satisfactory, Applicants request that the Examiner contact the agent by phone so that the claims can be corrected to conform to this requirement. Applicants also request that Examiner contact the agent by phone if Z has been narrowed more than the restriction requires.

Since claim 31 has been deleted, the objection due to the typographical error is now moot.

Claims 35 and 36 are supported in the specification (pp. 11-12), and the non-elected compounds have been removed.

Please charge Deposit Account 01-0885 for any fees related to this response.

Respectfully submitted,



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Date: June 29, 2005

Please send all inquires to:  
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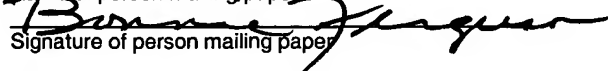
**CERTIFICATE OF FIRST CLASS MAIL UNDER 37 C.F.R. §1.10**

I hereby certify that this Reply and additional documents enclosed herein are being deposited with the United States Postal Service on 6/30/2005 in an envelope as "First Class Mail Post Office To Addressee" with sufficient postage for First Class Mail addressed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: June 30, 2005

Bonnie Ferguson

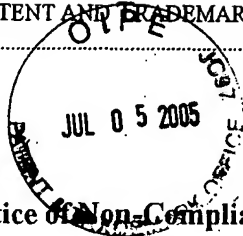
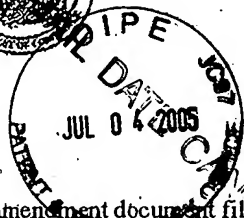
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## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 6/6/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Cims. 1-13, 16-20, 23-30 missing text

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opa/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Doreen Patterson  
Legal Instruments Examiner (LIE)

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